

4354. Adulteration and misbranding of vinegar. U. S. v. Gregory Sylvester (Youngstown Cider & Vinegar Co.). Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 5868. I. S. No. 12722-e.)

On July 1, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gregory Sylvester, trading as Youngstown Cider & Vinegar Co., Youngstown, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 8, 1913, from the State of Ohio into the State of West Virginia, of a quantity of vinegar, which was adulterated and misbranded. The article was labeled: (On head of barrel) "Guaranteed under the Food Act June 30, 1906 Galls 48 Cidar Vinegar."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (gram per 100 per cc)-----	0.28
Nonsugar solids (gram per 100 cc)-----	0.18
Reducing sugar as invert, before inversion (gram per 100 cc)-----	0.09
Ash in nonsugar solids (per cent)-----	21.1
Total acidity as acetic (grams per 100 cc)-----	2.65
Glycerol (gram per 100 cc)-----	0.01
Ash (gram per 100 cc)-----	0.038
Color (Lovibond, in $\frac{1}{2}$ inch cell) (degrees)-----	10.0
Color removed by fuller's earth-----	All

Analysis indicates that the product is not cider vinegar, but has been prepared from distilled vinegar or acetic acid and water, and has been colored.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a dilute solution of distilled vinegar or acetic acid and water, had been mixed and packed with the article so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in whole or in part for cider vinegar, which the article purported to be; further, in that the article was artificially colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Cider Vinegar," borne on the label, was false and misleading, in that it purported and represented the article to be a genuine cider vinegar, and deceived and misled the purchaser thereof into the belief that it was a genuine cider vinegar, whereas, in truth and in fact, it was not a genuine cider vinegar, but was a mixture of a dilute solution of distilled vinegar or acetic acid and water, the same being artificially colored to conceal its inferiority.

On January 10, 1916, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$20 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*